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JUN 11 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: **Hans Herweijer,**
Jon A. Wolff, Larry F. Whitesell and
Matthew R. Wolff

Serial No.: 09/330,909

Filed: 6/11/99

Group Art Unit: 1632

Examiner: **J. Woitach**

OFFICIAL

For: **A Process For Delivering Nucleic Acids To Cardiac Tissue****PETITION UNDER 37 C.F.R. § 1.78(a)(6) TO ACCEPT A DELAYED CLAIM
FOR BENEFIT UNDER 35 U.S.C. 119(e) OF PRIOR FILED
PROVISIONAL APPLICATION**Commissioner of Patents
P.O. Box 1450
Alexandria VA, 22313-1450

Dear Sir:

Applicant hereby petitions in accordance with 37 C.F.R. § 1.78(a)(6) to claim the benefit for this application under 35 U.S.C. 119(e) of prior application No. 09/447966, filed on Nov. 23, 1999, now Pat. No. 6,627,616. A replacement specification indicating the priority claim is included with the attached Response.

Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(5)(i) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

Enclosed is a credit card pay form, please charge the amount of \$130.00 to cover the petition fee as set forth in § 1.17(m).

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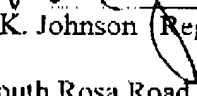
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130.00 DP

Please forward the attached amendment and response to the Examiner.

If there are any questions, please contact the undersigned.

Respectfully submitted,


Mark K. Johnson (Reg. No. 35,909)
Mirus
505 South Rosa Road
Madison, WI 53719
608-238-4400

<p>I hereby certify that this correspondence is being sent by facsimile transmission to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: <u>6/11/04</u></p> <p> Mark K. Johnson</p>
